

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:17-cv-00466-GCM**

CLAUDIA E. POLANCO

Plaintiff,

vs.

**HSBC BANK USA NATIONAL
ASSOCIATION, *et. al.*,**

Defendants.

**PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND PARTIAL
SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Plaintiff Claudia E. Polanco by and through counsel, move the Court for an Order entering a summary judgment in her favor. Plaintiff respectfully shows the Court that the materials in the exhibits to this motion establish there is no genuine dispute as to any material fact and Plaintiff is entitled to judgment as a matter of law that PHH was an agent of HSBC, that the North Carolina SAFE Act creates a legal duty upon which her tort claims can stand, and that the defenses enumerated above fail as a matter of law. Plaintiff further requests the Court grant her partial summary judgment as to her unfair and deceptive trade practices claim and breach of contract claim as to liability with damages to be decided at trial. For a further explanation of why this motion should be granted, Plaintiff respectfully refers the Court to the supporting memorandum of law that she is filing with this motion.

WHEREFORE, Plaintiff Claudia E. Polanco requests that the Court enter a judgment in her favor on the issues delineated above.

This the 6th day of September, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on September 6, 2019, a copy of the foregoing document was filed electronically using the Court's Electronic Case Filing system addressed to the following:

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